

IC 36-1-9.5

Chapter 9.5. Qualifications of Bidders for Certain Contracts

IC 36-1-9.5-1

Application of chapter

Sec. 1. This chapter applies only to contracts awarded by local boards of aviation commissioners operating under IC 8-22-2 and local airport authorities operating under IC 8-22-3. This chapter applies only to contracts for the following:

- (1) The construction or maintenance of buildings, runways, roads, and other improvements.
- (2) The purchase of materials, equipment, and supplies.

As added by P.L.85-1991, SEC.3.

IC 36-1-9.5-2

"Advertisement" defined

Sec. 2. As used in this chapter, "advertisement" means the public announcement inviting bids for work to be performed or materials to be furnished.

As added by P.L.85-1991, SEC.3.

IC 36-1-9.5-3

"Applicant" defined

Sec. 3. As used in this chapter, "applicant" means a contractor or the subcontractor who seeks to do business with an entity.

As added by P.L.85-1991, SEC.3.

IC 36-1-9.5-4

"Application" defined

Sec. 4. As used in this chapter, "application" means the act of filing a statement with an entity to request qualification to perform work.

As added by P.L.85-1991, SEC.3.

IC 36-1-9.5-5

"Award" defined

Sec. 5. As used in this chapter, "award" means the acceptance by an entity of a bid and authorization by an entity to enter into a contract with the bidder.

As added by P.L.85-1991, SEC.3.

IC 36-1-9.5-6

"Bid bond" defined

Sec. 6. As used in this chapter, "bid bond" means the approved form of security furnished with a bid to guarantee that the bidder will enter into the contract if the bidder's bid is accepted.

As added by P.L.85-1991, SEC.3.

IC 36-1-9.5-7

"Bidder" defined

Sec. 7. As used in this chapter, "bidder" means an individual, a partnership, a firm, a limited liability company, a corporation, or other person submitting a bid for advertised work.

As added by P.L.85-1991, SEC.3. Amended by P.L.8-1993, SEC.513.

IC 36-1-9.5-8

"Certificate of qualification" defined

Sec. 8. As used in this chapter, "certificate of qualification" means the official document that qualifies a contractor to bid on contracts of an entity that require prequalification under this chapter.

As added by P.L.85-1991, SEC.3.

IC 36-1-9.5-9

"Contract" defined

Sec. 9. As used in this chapter, "contract" means the written agreement between an entity and a contractor setting forth the obligations of the parties.

As added by P.L.85-1991, SEC.3.

IC 36-1-9.5-10

"Contractor" defined

Sec. 10. As used in this chapter, "contractor" means an individual, a partnership, a firm, a limited liability company, a corporation, or other person contracting with or desiring to contract with an entity for performance of prescribed work.

As added by P.L.85-1991, SEC.3. Amended by P.L.8-1993, SEC.514.

IC 36-1-9.5-11

"Entity" defined

Sec. 11. As used in this chapter, "entity" means the following:

- (1) A local board of aviation commissioners operating under IC 8-22-2.
- (2) A local airport authority operating under IC 8-22-3.

As added by P.L.85-1991, SEC.3.

IC 36-1-9.5-12

"Payment bond" defined

Sec. 12. As used in this chapter, "payment bond" means an approved form of security, furnished and executed by the bidder and the bidder's surety, that guarantees the payment of all legal debts related to the construction of the project.

As added by P.L.85-1991, SEC.3.

IC 36-1-9.5-13

"Performance bond" defined

Sec. 13. As used in this chapter, "performance bond" means an approved form of security, furnished and executed by the bidder and the bidder's surety, that guarantees the complete execution of the contract and all supplemental agreements.

As added by P.L.85-1991, SEC.3.

IC 36-1-9.5-14**"Prequalification administrator" defined**

Sec. 14. As used in this chapter, "prequalification administrator" means the administrative officer of an entity who is responsible for the administration of the qualification of contractors under this chapter.

As added by P.L.85-1991, SEC.3.

IC 36-1-9.5-15**"Proposal" defined**

Sec. 15. As used in this chapter, "proposal" means an offer of a bidder, on a prescribed form, to perform the work and to furnish the labor and materials at the prices quoted.

As added by P.L.85-1991, SEC.3.

IC 36-1-9.5-16**"Subcontractor" defined**

Sec. 16. As used in this chapter, "subcontractor" means an individual, a partnership, a firm, a limited liability company, a corporation, or other person to whom a contractor sublets part of a contract.

As added by P.L.85-1991, SEC.3. Amended by P.L.8-1993, SEC.515.

IC 36-1-9.5-17**"Surety" defined**

Sec. 17. As used in this chapter, "surety" means a corporate body bound with and for the contractor for the following:

- (1) The full and complete performance of the contract.
- (2) The payment of all debts related to the work.

As added by P.L.85-1991, SEC.3.

IC 36-1-9.5-18**"Unearned work" defined**

Sec. 18. As used in this chapter, "unearned work" means the total dollar value of work contracted for but not performed.

As added by P.L.85-1991, SEC.3.

IC 36-1-9.5-19**Qualification requirement; notice; prequalification by department of transportation**

Sec. 19. (a) An entity may require a bidder on a contract described in section 1 of this chapter to be qualified under this chapter. If an entity determines that bidders on a contract must be qualified under this chapter, the entity shall provide notice of the qualification requirement in the public notice stating that bids will be accepted for the contract. The entity shall advertise ninety (90) days before the expected bid date the fact that the entity has determined that bidders on a contract must be qualified under this chapter. If an entity determines that qualification is required under this chapter for a particular contract, it is unlawful for the entity to award a contract to

a person other than a bidder previously qualified in compliance with this chapter.

(b) A bidder who is qualified by the Indiana department of transportation (IC 8-23-2-1) is qualified under this chapter. Such a bidder is not required to obtain a certificate of qualification from an entity in order to bid on a contract that is described in section 1 of this chapter.

As added by P.L.85-1991, SEC.3.

IC 36-1-9.5-20

Statement of experience; form; contents

Sec. 20. A contractor desiring to offer bids for the performance of contracts for which an entity requires prequalification must file a statement of experience and financial condition using a form prescribed by the state board of accounts. The statement must include a complete report of the following of the prospective bidder:

- (1) Financial ability.
- (2) Adequacy of plant and equipment.
- (3) Organization and experience.

As added by P.L.85-1991, SEC.3.

IC 36-1-9.5-21

Investigation by entity

Sec. 21. The submission of a statement under section 20 of this chapter by an applicant authorizes the entity to obtain all information that the entity considers relevant to the applicant's financial worth, assets and liabilities, organization, personnel, work experience, prosecution of work on previous contracts, condition and adequacy of equipment.

As added by P.L.85-1991, SEC.3.

IC 36-1-9.5-22

New statement demand by entity; effect of noncompliance; incomplete or false information in prequalification application

Sec. 22. (a) An entity may at any time during which a certificate of qualification is in effect demand a new statement. If a contractor does not provide a new statement not later than sixty (60) days after the request is made, the entity may void the contractor's certificate of qualification.

(b) If a contractor fails to provide complete and true information in an application, the application for prequalification shall be rejected.

As added by P.L.85-1991, SEC.3.

IC 36-1-9.5-23

Statements; order considered; limitation

Sec. 23. (a) Except as provided in subsection (b), an entity shall consider statements in the order in which the statements are received by the entity.

(b) A statement provided by a new applicant who desires to bid on

an advertised project must be received not later than forty-five (45) calendar days before the bid opening to receive consideration for that bid opening. A statement provided by a contractor applying for prequalification renewal must be received at least fifteen (15) calendar days before the bid opening date to receive consideration for that bid opening.

As added by P.L.85-1991, SEC.3.

IC 36-1-9.5-24

Assets of contractor; sufficiency

Sec. 24. An applicant may not be given a certificate of qualification unless the review of the applicant's statement shows that the applicant possesses the net current assets determined by the entity to be sufficient to execute the contract and meet all obligations of the contract.

As added by P.L.85-1991, SEC.3.

IC 36-1-9.5-25

Qualifications necessary; determination

Sec. 25. (a) An applicant must possess the qualifications required under this chapter and the entity must determine that the applicant is a competent and responsible bidder before the entity may issue the applicant a certificate of qualification.

(b) In making a determination under this section, an entity may consider only the following areas:

- (1) The contractor's organization and personnel.
- (2) The contractor's work experience and prosecution of work on previous contracts.
- (3) The condition and adequacy of the contractor's equipment.
- (4) The contractor's financial condition and the quality of the financial information furnished by the contractor.

(c) An entity may not arbitrarily or capriciously refuse to issue a certificate of qualification to an applicant.

As added by P.L.85-1991, SEC.3.

IC 36-1-9.5-26

Recommendation of prequalification administrator

Sec. 26. An entity's prequalification administrator shall make a recommendation to the entity regarding the action that should be taken on an application. An entity may in the exercise of the entity's sole discretion accept or reject the recommendation of a prequalification administrator.

As added by P.L.85-1991, SEC.3.

IC 36-1-9.5-27

Notice of entity's decision; effective date of certificate

Sec. 27. (a) An entity shall send an applicant written notice of the entity's decision regarding the application.

(b) A certificate of qualification becomes effective on the date determined by the entity.

As added by P.L.85-1991, SEC.3.

IC 36-1-9.5-28

Contractor evaluation forms; confidentiality

Sec. 28. (a) For the purpose of determining competency and responsibility the prequalification administrator may send evaluation forms to either of the following:

(1) Persons with whom the contractor has had business relationships.

(2) Persons who have used the services of the contractor's employees.

(b) An entity shall keep confidential all responses received under this section. However, upon request of a contractor, an entity shall allow that contractor to inspect the responses received under this section in regard to the evaluation of that contractor.

As added by P.L.85-1991, SEC.3.

IC 36-1-9.5-29

Duration of certificate's validity; expiration date

Sec. 29. A certificate of qualification may not be valid for more than sixteen (16) months. The expiration date of a certificate of qualification may not be more than eighteen (18) months after the date of the statement upon which the certificate is based. The certificate period may not be extended.

As added by P.L.85-1991, SEC.3.

IC 36-1-9.5-30

Notice of nonissuance of certificate

Sec. 30. An entity shall notify an applicant if a certificate of qualification is not issued to the applicant.

As added by P.L.85-1991, SEC.3.

IC 36-1-9.5-31

Change in contractor's circumstances during certificate validity period; notice to prequalification administrator

Sec. 31. If at any time during the valid period of a certificate of qualification the latest statement of a contractor on record with an entity ceases to represent fairly and substantially the financial position or the equipment of the contractor, the contractor shall do the following until the contractor's qualification is confirmed or revised:

(1) Notify the entity prequalification administrator of the change of circumstances.

(2) Refrain from further bidding on contracts for which the entity has required prequalification.

As added by P.L.85-1991, SEC.3.

IC 36-1-9.5-32

Personal interview of contractor by entity; updated statement; audit

Sec. 32. (a) An entity may require a personal interview with any contractor when considering qualifications.

(b) A prequalification administrator may request a new statement if the date of the statement is more than six (6) months old when submitted.

(c) A statement furnished for qualification greater than two hundred thousand dollars (\$200,000) must include a reviewed or an audited financial statement prepared and attested as correct by an independent certified public accountant registered and in good standing in any state. The accountant must make an independent verification of assets and liabilities in accordance with generally accepted auditing standards. The execution of a certificate of audit constitutes certification that an audit in accordance with generally accepted auditing standards has been performed and reported.

As added by P.L.85-1991, SEC.3.

IC 36-1-9.5-33

Contractor's statement of equipment or materials; acceptance by CPA

Sec. 33. For the physical dispersal of equipment or subsequent use or sale of construction materials, an accountant may, for purposes of section 32 of this chapter, accept a signed statement of the contractor as evidence of possession of equipment or of materials inventory as of the date of the statement.

As added by P.L.85-1991, SEC.3. Amended by P.L.1-1992, SEC.181.

IC 36-1-9.5-34

Financial statement; common dated statements from prequalification applicants controlled by same owners or officers; unaudited statements more than six months old

Sec. 34. (a) A financial statement required under this chapter must do the following:

(1) Include full and complete information for all major items of equipment, including the age, date of purchase, cost when purchased, and the date of any rebuilding of equipment.

(2) List all major items of useful equipment.

(b) Organizations controlled by the same owners or officers who apply for prequalification under this chapter must use statements with a common date.

(c) An entity may not accept an unaudited statement that is more than six (6) months old.

As added by P.L.85-1991, SEC.3.

IC 36-1-9.5-35

Grant of qualification \$200,000 or less on statement certified by company officer

Sec. 35. A qualification for not greater than two hundred thousand dollars (\$200,000) may be granted if the statement furnished is certified as correct by an officer of the company.

As added by P.L.85-1991, SEC.3.

IC 36-1-9.5-36**Initial statement submitted by corporation; requirements; foreign corporations**

Sec. 36. (a) The initial statement submitted by a corporation must be accompanied by a certified copy of the following:

- (1) The minutes covering the election of current officers.
- (2) The current authority for individuals' personal signatures to contracts of the corporation, which may be:
 - (A) a part of the corporation's original articles of incorporation; or
 - (B) a subsequent official action of the stockholders or the board of directors of the corporation.

(b) If personnel or authority for individuals' personal signatures are changed in any manner, the contractor shall immediately notify the prequalification administrator and furnish the prequalification administrator with certified copies of appropriate documents.

(c) The initial statement of a foreign corporation must be accompanied by:

- (1) valid evidence that the corporation is registered and in good standing with the secretary of state to do business in Indiana; or
- (2) a letter stating that, if the corporation becomes the successful bidder on a contract, authorization will be secured by the corporation not later than fifteen (15) days after the bid opening.

As added by P.L.85-1991, SEC.3.

IC 36-1-9.5-37**Classification of contractors for work; rating criteria; limitations on uncompleted work**

Sec. 37. (a) A contractor may be classified for one (1) or more types of work. A contractor will be rated in accordance with the contractor's financial ability, adequacy of plant and equipment, organization, prior experience, record of construction and any other relevant and material facts that may affect the classification.

(b) An entity shall assign a contractor a classification that will limit the type and quantity of uncompleted work the contractor may have under a contract with the entity at any time as principal or subcontractor, regardless of the location of the work or with whom the work is contracted.

(c) The entity shall assign a contractor an aggregate amount that will be the largest dollar amount of uncompleted work the contractor or subcontractor will have under contract at any time as principal or subcontractor, regardless of the location of the work and with whom the work is contracted.

As added by P.L.85-1991, SEC.3.

IC 36-1-9.5-38**Maximum aggregate rating; components; net current assets**

Sec. 38. (a) A contractor's maximum aggregate rating as determined from the statement will be the sum of the following

rating components:

- (1) Net current assets multiplied by ten (10).
- (2) The lesser of:
 - (A) the net book value of construction equipment assets multiplied by eight (8); or
 - (B) one-half (1/2) of the amount determined under subdivision (1).
- (3) The lesser of:
 - (A) net fixed and other assets multiplied by two (2); or
 - (B) the sum of the amounts determined under subdivisions (1) and (2) multiplied by twenty-five hundredths (0.25).

(b) An entity shall determine accepted net current assets from the statement submitted. Accepted net current assets may include only those net current assets that are readily convertible into working capital.

As added by P.L.85-1991, SEC.3.

IC 36-1-9.5-39

Accepted net current assets; determination

Sec. 39. An entity shall do the following in determining accepted net current assets:

- (1) Deduct receivables excluding retainage from nongovernmental agencies more than one (1) year old.
- (2) Consider notes due not later than one (1) year from the date of the financial statement date to be current liabilities.
- (3) Deduct any notes due more than twelve (12) and less than twenty-four (24) months from the date of the financial statement from net fixed assets, and deduct the excess, if any, from the book value of the equipment and net current assets.
- (4) Not deduct notes due more than twenty-four (24) months after the date of the financial statement for prequalification purposes.

As added by P.L.85-1991, SEC.3.

IC 36-1-9.5-40

Loan guarantees and commitments of applicant; effect upon net current assets

Sec. 40. If an applicant has guaranteed loans of any person or any entity, has used assets as security for the guaranteed loans, or has made other guarantees or commitments of activities of any person or any entity, an entity may reduce or adjust the applicant's net current assets if the entity determines that the guaranteed loans other guarantees or commitments are significant when considered with the applicant's statement of financial condition.

As added by P.L.85-1991, SEC.3.

IC 36-1-9.5-41

Factors not considered in determining net current assets

Sec. 41. In determining net current assets, an entity may not consider the following:

(1) Notes and accounts receivable from affiliated business firms as assets of the applicant unless an audited financial statement showing the debtor has sufficient liquidity to discharge the debt is attached. However, an unaudited statement certified as correct by the debtor shall be accepted if an unaudited statement is submitted for qualification.

(2) Notes and accounts receivable from partners of a co-partnership or officers and stockholders of a corporation unless an audited financial statement is attached.

As added by P.L.85-1991, SEC.3.

IC 36-1-9.5-42

Valuation of stocks and bonds; useful equipment

Sec. 42. An applicant must list the book value and the market value for stocks and bonds. An entity may not consider stocks and bonds as working capital unless market value, as determined or verified by the accountant, is given. Stocks and bonds shall be valued at the lesser of the book value or market. However, stocks or bonds listed on the New York Stock Exchange, American Stock Exchange, or over-the-counter on the National Association of Securities Dealers Automated Quotations list shall be valued at the market value. The value of useful equipment may be:

- (1) the book value listed; or
- (2) determined by the application of uniform depreciation schedules.

As added by P.L.85-1991, SEC.3.

IC 36-1-9.5-43

Equipment rating credit; aggregate and respective classified ratings; tentative factors

Sec. 43. (a) An entity may not provide a rating credit for equipment:

- (1) that cannot satisfactorily be identified as to kind, type, and capacity; or
- (2) for which the essential information concerning the equipment's cost and age is not supplied.

(b) An entity shall provide a contractor with a tentative factor of one hundred percent (100%) in the contractor's aggregate and respective classified ratings. Each of these tentative factors may be reduced wholly or in part for the contractor's deficiencies in the following areas:

- (1) The contractor's organization and personnel.
- (2) The contractor's work experience and prosecution of work on previous contracts.
- (3) The contractor's quality of workmanship on contracts.
- (4) The condition and adequacy of the contractor's equipment.
- (5) The contractor's experience with the general public and equal employment opportunity requirements.

As added by P.L.85-1991, SEC.3.

IC 36-1-9.5-44**Unlimited qualification; factors prohibiting qualification for work over \$200,000**

Sec. 44. (a) An entity may grant an unlimited qualification if a contractor's maximum aggregate rating exceeds one hundred million dollars (\$100,000,000).

(b) An entity may not rate a contractor qualified for work in excess of two hundred thousand dollars (\$200,000) if the contractor:

(1) has not performed work of any character under the firm name; and

(2) does not have personnel of approved experience.

As added by P.L.85-1991, SEC.3.

IC 36-1-9.5-45**Change in qualification; notice**

Sec. 45. (a) A prequalification administrator may recommend to an entity any change in the qualification issued to the contractor based upon the receipt of additional information. An entity shall provide a contractor with notification of a change in qualification. The notification must be in writing and become effective on a date determined by the entity.

(b) A request from a contractor for a change in the contractor's qualification status must be in writing and must be received by the entity not less than fifteen (15) days before the bid opening date. A request from a contractor for a change in the contractor's qualification status will not be considered until after the expiration of ninety (90) days after the certificate date.

As added by P.L.85-1991, SEC.3.

IC 36-1-9.5-46**Suspension of certificate; grounds; notice**

Sec. 46. (a) A prequalification administrator may recommend to an entity that a contractor's certificate of qualification be suspended if:

(1) the contractor's work is unsatisfactory;

(2) the rate of progress is such that the prequalification administrator determines that the contractor will be unable to complete the contract on time; or

(3) the contractor has failed to adequately document a current or previous contract.

(b) Notification of a suspension shall be made in writing and shall become effective on the date determined by the entity. A suspension may be lifted when the entity determines that the contractor has taken the necessary corrective action.

As added by P.L.85-1991, SEC.3. Amended by P.L.1-1992, SEC.182.

IC 36-1-9.5-47**Withdrawal of certificate; notice**

Sec. 47. An entity may withdraw a certificate of qualification only if the entity has determined that the firm, limited liability company,

or corporation is no longer active or in existence. The entity shall provide notification of the withdrawal in writing. The notification of withdrawal becomes effective on the date determined by the entity.
As added by P.L.85-1991, SEC.3. Amended by P.L.8-1993, SEC.516.

IC 36-1-9.5-48

Revocation of certificate; grounds; notice; disqualification period

Sec. 48. (a) An entity may revoke a certificate of qualification only if the entity determines that the contractor or subcontractor has done at least one (1) of the following:

- (1) Fails to timely pay or satisfactorily settle any bills due for labor and material on former or existing contracts.
- (2) Violates:
 - (A) a state or federal statute; or
 - (B) a rule or regulation of a state or federal department, board, bureau, agency, or commission.
- (3) Defaults on a contract.
- (4) Fails to enter into a contract with the entity.
- (5) Falsifies any document required by the entity, the state board of accounts, or any other agency.
- (6) Is convicted of a bidding crime in any jurisdiction.
- (7) Enters a plea of guilty or nolo contendere to a bidding crime in any state.
- (8) Does any of the following:
 - (A) Makes a public admission concerning a bidding crime in any state.
 - (B) Makes a presentation as an unindicted co-conspirator in a bidding crime in any state.
 - (C) Gives testimony that is protected by a grant of immunity in a trial for a bidding crime in any jurisdiction.
- (9) Fails to perform any part of an existing or previous contract.
- (10) Fails to submit in a timely manner information, documented explanations, or evidence required in the contract documents or proposal.
- (11) Has been debarred by a federal agency.
- (12) Failed to comply with any proposal requirements established by the entity concerning disadvantaged business enterprise goals or women business enterprise goals.

(b) An entity shall provide notification of a pending action for revocation in writing, setting forth the grounds for the proposed certificate revocation. The revocation becomes effective on the date determined by the entity.

(c) A period of disqualification under this chapter may not exceed two (2) years.

As added by P.L.85-1991, SEC.3.

IC 36-1-9.5-49

Reconsideration request by aggrieved contractor

Sec. 49. A contractor dissatisfied with a decision by an entity under this chapter may make a written request for reconsideration to

the prequalification administrator.
As added by P.L.85-1991, SEC.3.

IC 36-1-9.5-50

Justification for reconsideration; personal interview; recommendation to entity; notice of entity decision

Sec. 50. (a) A request under section 49 of this chapter must include written justification concerning the contractor's qualification. In addition, the contractor may request a personal interview. The prequalification administrator shall consider the written request by certified or registered mail or personal service not later than fifteen (15) days after receiving the written request. The prequalification administrator may request additional information, documentation, or a personal interview with the contractor.

(b) The prequalification administrator shall make a recommendation to the entity.

(c) The entity shall notify the contractor in writing of the entity's decision. The decision becomes effective on the date determined by the entity.

As added by P.L.85-1991, SEC.3.

IC 36-1-9.5-51

Appeal hearing request; notice of time and place; burden of proof

Sec. 51. (a) If a contractor is dissatisfied with the decision under section 50 of this chapter, the contractor may make a written request by certified or registered mail or personal service within fifteen (15) days after receiving the decision for an appeal hearing.

(b) A contractor shall send a request under this section to the prequalification administrator. After receiving the request, the entity shall serve written notice of the date, place, and time of the hearing and written notice of the appointment of an administrative law judge on the contractor.

(c) A hearing shall be held not later than fourteen (14) days after the receipt of the request, unless otherwise ordered by an administrative law judge.

(d) At the hearing, the contractor bears the burden of proof.

As added by P.L.85-1991, SEC.3.

IC 36-1-9.5-52

Failure to follow appeals procedure; waiver

Sec. 52. If a contractor fails to follow the appeals procedures of this chapter within the specified time, the contractor accepts the decision of the entity as final and waives any right to further administrative appeal.

As added by P.L.85-1991, SEC.3.

IC 36-1-9.5-53

Application of prequalification requirements; subcontractors' qualification

Sec. 53. (a) The prequalification requirements of this section do

not apply to the following:

- (1) Professional services.
- (2) Hauling materials or supplies to or from a job site.
- (3) Concession contracts.

(b) If an entity determines that qualification is required under this chapter for a particular contract, it is unlawful for a successful bidder on the contract to enter into a subcontract with any other person involving the performance of any part of any work upon which the bidder may be engaged for the entity in an amount greater than one hundred thousand dollars (\$100,000) unless the subcontractor has been properly qualified under the terms of this chapter for the work sublet to the subcontractor. However, the entity may reduce this amount based on the subcontractor's performance with the entity and others.

As added by P.L.85-1991, SEC.3.

IC 36-1-9.5-54

Revenue department access to names of contractors and subcontractors; tax delinquents; award of contracts; deduction of delinquent taxes from payment

Sec. 54. (a) An entity may allow the department of state revenue access to the name of each person who is either:

- (1) bidding on a contract to be awarded under this chapter; or
- (2) a contractor or a subcontractor under this chapter.

(b) If an entity is notified by the department of state revenue that a bidder is on the most recent tax warrant list, the entity may not award a contract to that bidder until:

- (1) the bidder provides to the entity a statement from the department of state revenue that the bidder's delinquent tax liability has been satisfied; or
- (2) the entity receives a notice from the commissioner of the department of state revenue under IC 6-8.1-8-2(k).

(c) The department of state revenue may notify:

- (1) the entity; and
- (2) the auditor of state;

that a contractor or subcontractor under this chapter is on the most recent tax warrant list, including the amount that the person owes in delinquent taxes. The auditor of state shall deduct from the contractor's or subcontractor's payment the amount owed in delinquent taxes. The auditor of state shall remit this amount to the department of state revenue and pay the remaining balance to the contractor or subcontractor.

As added by P.L.85-1991, SEC.3.

IC 36-1-9.5-55

Violations; penalties

Sec. 55. (a) An applicant for qualification who knowingly makes a false statement with respect to the applicant's financial worth in an application for qualification, financial statement, or other written instrument filed by the applicant with the entity under this chapter

commits a Class C infraction.

(b) A person who violates this section is disqualified from submitting bids on contracts advertised for letting by the entity for two (2) years following the date of judgment.

As added by P.L. 85-1991, SEC.3. Amended by P.L. 1-1992, SEC.183.